

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	No. 3:08-CR-06
v.	)	(JORDAN/SHIRLEY)
	)	
JUSTIN D. RICHARDS,	)	
	)	
Defendant.	)	

**MEMORANDUM AND ORDER**

The defendant appeared for a hearing on a Petition For Action on Conditions of Pretrial Release on August 8, 2008. David Lewen, Assistant United States Attorney, was present representing the government and Kim Tollison was present representing the defendant. The defendant, Justin D. Richards, was also present.

The defendant was released on an Order Setting Conditions of Release on January 14, 2008, which continued following the defendant's plea on April 7, 2008. Condition's of defendant's release included that he not commit another federal, state, or local crime while on bond in federal court, that he report to Pretrial Services as directed, maintain or actively seek employment, refrain from possessing a firearm, refrain from the use of any narcotic drugs or controlled substances, submit to testing for drugs, and participate in a program of inpatient or outpatient substance abuse therapy and counseling as directed by Pretrial Services.

A petition for action on conditions of pretrial release has been filed by defendant's pretrial services officer on April 14, 2008, stating the following violations: that on January 16, 2008, the defendant tested positive for marijuana, was placed on code-a-phone and subsequently failed to

submit to drug screens on March 28, 2009, April 3, 2008 and even when ordered by his Probation Officer to report, he failed to do so on April 4, 2008 and April 7, 2008. Furthermore, following his entry of a plea of guilty on April 7, 2008 in the underlying Indictment, defendant tested positive for marijuana on April 8, 2008 and admitted to drug use. Accordingly, the probation officer, Kathryn Calloway, prepared a Petition recommending that defendant's release be revoked. Said Petition was signed by District Judge Leon Jordan on April 14, 2008. At the 18 U.S.C. § 3148 hearing on August 8, 2008, Kim Tollison, counsel for the defendant, waived defendant's right to a revocation hearing and the defendant acknowledged his guilt and violations, agreed to revocation of his release pending sentencing.

This Court finds and defendant agrees that pursuant to 18 U.S.C. § 3148, there is probable cause to believe that the defendant committed a federal, state or local crime while on release and that there is clear and convincing evidence that the defendant has violated other conditions of release. The Court also finds that there are no conditions or combination of conditions of release will assure that the defendant will not flee or pose a danger to the safety of another person and that the defendant is unlikely to abide by any conditions or combination of conditions of release. Therefore, the order setting conditions of release is hereby **REVOKED** and the defendant is remanded to the custody of the United States Marshal pending his sentencing on **October 22, 2008 at 1:00 p.m.**, before the Honorable District Judge Leon Jordan. His appearance bond is hereby **CANCELLED**.

**IT IS SO ORDERED.**

ENTER:

s/ C. Clifford Shirley, Jr.  
United States Magistrate Judge